

Application No. 10/627,867
Amendment dated March 6, 2008
Reply to Office Action of November 13, 2007

Docket No.: 0365-0568P

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 26-47 are currently being prosecuted. Claim 26 and 37 have been amended by the present amendment. The Examiner is respectfully requested to reconsider her rejections in view of the Amendments and Remarks as set forth hereinbelow.

REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Claims 26-28 and 32-36 stand rejected under 35 U.S.C. § 102 as anticipated by Omurtag et al. Claims 29-31 and 37-47 stand rejected under 35 U.S.C. § 103 as unpatentable over Omurtag et al. in view of Carol. These rejections are respectfully traversed.

Independent claim 26 includes a combination of elements and has been amended to further recite that the frame contacts the subject only on a nose of the subject and is located only in front of the face of the subject when the frame is mounted onto the subject such that a head of the subject is not immobilized. Independent claim 37 includes similar features in a varying scope.

These features are supported at least by a non-limiting example in Fig. 4. For example, the frame 3 contacts the subject only on a nose of the subject and is located only in front of the face of the subject when the frame 3 is mounted onto the subject such that a head of the subject is not immobilized (see also page 3, lines 21-30 of the present application).

On the contrary, as shown in Figs. 14 and 15 of Omurtag et al., the main rail frame 21 and the secondary frame 22 contact the subject in locations other than a nose of the subject. For example, the secondary frame 22 contacts ears of the subject and the main rail frame 21 contacts

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a top of the head. Further, the main rail frame 21 and the secondary frame 22 are located not only in front of the face of the subject but also on the sides and over the top of the subject. Similarly, as shown in Fig 11 of Carol, the head fixation device 120 contacts ears of the subject and is located in front, on sides and over a top of the subject, and further fixes the subject head to immobilize the head. Thus, in Omurtag et al. and Carol, the head of the subject is immobilized and the head device is cumbersome and complex.

Accordingly, it is respectfully submitted that independent claims 26 and 37 and each of the claims depending therefrom are allowable.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone David A. Bilodeau at (703) 205-8072 in the Washington, D.C. area.

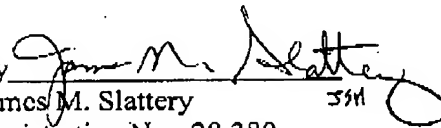
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-1448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly extension of time fees.

Dated: March 6, 2008

Respectfully submitted,

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